

# NICARAGUA: REPORT ON THE RIGHT TO LIFE.

By Jessica López Mendoza<sup>1</sup>  
Revision, Emperatriz Arellano<sup>2</sup>

*This report aims to show the current legislation on the right to life  
and human rights of women.*

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<sup>1</sup> Licda Jessica Yolanda López Mendoza, Lawyer and Notary. Graduated from the Law School of the Redemptoris Mater Catholic University (UNICA). Specialist in Development Cooperation by the UCA, and in Family Law by the International University for the integration of Latin America (UNIVAL). Founder of the Lopez & Asociados Law Firm that specializes in Family Law. Essayist. University professor of Civil Law, Family Law and Intellectual Property. External Advisor Episcopal Conference of Nicaragua, member of the Nicaraguan Association for Women. Member of the Bioethics Association of Nicaragua. Director of the Radio Program "Tu abogado en Casa". [www.catedrajuridica.wordpress.com](http://www.catedrajuridica.wordpress.com) and [www.facebook.com/AsesoresFamilia/](http://www.facebook.com/AsesoresFamilia/)

<sup>2</sup> Law degree from the Catholic University of Nicaragua "Redemptoris Mater" in 1998. Postgraduate studies in International Relations, Family Law; Notarial and Registry Law. Master in Procedural Law at the Polytechnic University of Nicaragua, 2009.

## Contents

<b>I. POLITICAL ORGANIZATION OF NICARAGUA.</b>	<b>3</b>
<b>II. REGULATION ON HUMAN DIGNITY AND LIFE. 4</b>	
<b>1. Constitucional Regulation</b>	<b>4</b>
· <i>Principle of human dignity</i>	4
· <i>Right to life.</i>	4
· <i>Women's Rights.</i>	5
<b>2. Legal Recognition to the Right to life in other normative bodies</b>	<b>5</b>
· <i>Civil Code of Nicaragua</i>	5
· <i>Civil Porcedural Code of Nicaragua.</i>	7
· <i>Code of Childhood and Adolescence</i>	7
· <i>Family Code.</i>	8
<i>Right to Life</i>	8
<i>The Legal Protection of Women</i>	<b>Error! Bookmark not defined.</b>
<b>3.Special Laws</b>	<b>9</b>
· <i>Integral Law on Violence against Womenand Reforms to Law 641</i>	9
<b>4.Administrative Rules</b>	<b>11</b>
· <i>RULE 002. Year 2009. Standards and Protocol of Family Planning</i>	11
· <i>RULE 011. Year 2009. Standards and Protocol of prenatal care, delivery, newborn and puerperium ot low risk.:</i>	11
· <i>RULE 077. Año 2011. Protocol of the Approach of the most frequent pathologies of high obstetric risk</i>	12
<b>5.Penal Provisions</b>	<b>13</b>
· <i>Crimes against Life</i>	13
<b>III. Current Legislative Threats</b>	<b>16</b>
<b>IV. Presidential Stance of Life</b>	<b>17</b>
<b>V. Conclusion</b>	<b>18</b>

## I. POLITICAL ORGANIZATION OF NICARAGUA.

The Political Constitution of Nicaragua has undergone eight constitutional amendments in moments of great socio-political tension. These amendments have been diagrammed, most of the time, by political agreements rather than legal foundations.

The latest Constitutional reform occurred in 2014.<sup>3</sup> Civil society claimed this was void because those reforms had been approved by an official parliamentary majority from which fraudulently arose current President Daniel Ortega Saavedra. These facts that have been repeated in Nicaraguan history make us say that the Constitution of this country is impregnated with political interests.

We will now delve into its content. In its Article 6, the Constitution qualifies the State as independent, free, sovereign, unitary and indivisible. It is constituted in a Democratic and Social State of Law that promotes as superior values the dignity of the human person<sup>4</sup>. It also refers to the "*preeminence of human rights, ethics and the common good*"<sup>5</sup> and emphasizes that the citizen and the family are protagonists in the decision-making process, planning and management of the public affairs of the State.

Regarding the exercise of Democracy, it establishes that it is exercised directly, and that it is participative and representative of the people.<sup>6</sup>

The State of Nicaragua is divided into four public powers: legislative, executive, judicial and electoral. The Constitution recognizes that these powers have

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<sup>3</sup> Law 854. Law of partial reform of the Political Constitution of the Republic of Nicaragua. Approved on January 29 of the year 2014. Published in La Gaceta Oficial Gazette No. 32 of February 18, 2014. Available in <http://www.mem.gob.ni/media/file/MARCO%20LEGAL/LEYES/CONSTITUCION%20POLITICA.pdf>

<sup>4</sup> Art. 6 of the Political Constitution of Nicaragua. (Art. 6CN).

<sup>5</sup> Ibidem.

<sup>6</sup> Art. 7 CN

specialized and separate functions, but are in harmonious collaboration to achieve their ends.<sup>7</sup>

Its capital is the city of Managua where the powers of the State are established. Regarding an official religion, the State does not adopt any.

Independence, sovereignty, and national self-determination are inalienable principles of the Nicaraguan people. So foreign interference in any internal affair threatens the sovereignty of the people.<sup>8</sup>

## **II. REGULATION ON THE PROTECTION OF HUMAN DIGNITY AND LIFE.**

### **1. Constitutional Regulation**

- *The Principle of human dignity.*

Article 5 of the Constitution establishes that "*the principles of the Nicaraguan nation are freedom, justice, **respect for the dignity of the human person (...)***".<sup>9</sup>

The principle of the dignity of the human person was introduced for the first time, in positive international law, in the Universal Declaration of Human Rights of 1948, in its preamble and in the different international instruments. In the same way, almost all countries worldwide have incorporated this principle in their own legislation, especially in their Constitutions. Nicaragua has not been the exception.

- *Right to life.*

Title IV of the Constitution called "Rights, Duties, and Guarantees of the Nicaraguan People", in its first chapter, begins with a list of all the rights. Article

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<sup>7</sup> Idibem.

<sup>8</sup> Art. 1CN.

<sup>9</sup> Art. 5 CN. The highlight belongs to us.

23, the first of that chapter establishes: *"The right to life is inviolable and inherent to the human person. In Nicaragua, there is no death penalty"*.<sup>10</sup>

Following the constitutional logic, we can affirm that the right to life is the first right that needs recognition to give rise to the recognition of other rights. Among these other individual rights, the Constitution numbers individual freedom, security, recognition of the personality and legal capacity.

This article acquires special relevance when interpreted in the light of Art. 27. It states, *"There shall be no discrimination based on birth, nationality, political creed, race, sex, language, religion, opinion, origin or economic position or social conditions"*. Thus, the rights listed must be respected for all people equally. This makes us understand that the constitutional text did not want to make differences on birth grounds when it comes to protecting the right to life. This is the main article that gives the protection to the unborn.

- *Women's Rights.*

Although there is no specific constitutional regulation that speaks about women's rights, it is important to highlight the constitutional protection that the State grants to pregnant women. Article 74 states, *"The State grants special protection to the process of human reproduction. The woman will have special protection during her pregnancy and will enjoy a license, salary, and adequate social security benefits. No one can deny employment to women under the grounds of pregnancy or dismiss them during pregnancy or in the postnatal period; all in accordance with the law."*

## **2. Legal recognition to the right to life in other normative bodies.**

- *Civil Code of Nicaragua.*

What does the Civil Code mean when it mentions the term "person"? In its first article the Code establishes, *"A person is every being able to exercise rights and incur into obligations. Persons can be natural or legal."* Art. 2 specifies: *"Natural*

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<sup>10</sup> Art.23 CN.

*persons are all human individuals, regardless of age, sex, race or condition*". Although neither of these two articles expressly mention the unborn, it doesn't mean that the Code does not recognize them or doesn't grant them rights. These articles should be interpreted under constitutional precepts and under the light of the following precepts.

Chapter III of the Civil Code expressly speaks of those who are in the womb, as a special status that the legislator considered appropriate to regulate. And he tells us: *"Unborn are those who are conceived in their mother's womb"*<sup>11</sup> and then Art. 12 adds, *"a guardian can be named to protect the contingent rights of the unborn"*. Art. 321 establishes that *"judges will designate a guardian (...) to protect contingent rights of the unborn"*.<sup>12</sup>

To understand the treatment that Nicaraguan legislation gives to the unborn, we should differentiate the natural or biological existence of legal existence, understood as the capacity to exercise certain rights and incur obligations. That is why we can wonder: Does legal existence always coincide with biological existence? It is in Art. 5 of the Civil Code where we find the answer and states, *"The legal existence of every person begins at birth."*

Although the Civil Code recognizes the full legal existence of the person once born alive, this does not prevent the code from granting rights to the unborn, recognizing what we might call a partial or relative legal capacity.

With this selection of articles, we can see how the legislator, in accordance with the constitutional text, recognizes the full biological existence of the unborn and gives him rights to safeguard his interests.

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<sup>11</sup> Art. 11 C.

<sup>12</sup> Art. 321, Subsection 7c.

- *Civil Procedural Code of Nicaragua.*<sup>13</sup>

Does the Civil Procedural Code of Nicaragua (hereinafter CPCN) recognize rights to the unborn? The answer is yes. Art. 66 of the CPCN grants capacity to be in trial to the persons *who "(...) can fully exercise their civil rights established in the Political Constitution"*.<sup>14</sup> Its paragraph 2 establishes that the unborn can exercise his procedural capacity through those who would represent him if they had already been born.<sup>15</sup>

The CPCN, also in accordance with the constitutional text and the Civil Code, has established norms of protection of the unborn in case someone tries to attempt against his life or any other fundamental right and will also have the representation of the Office of the General Attorney of the Republic for his defense.<sup>16</sup>

- *Code of childhood and adolescence.*<sup>17</sup>

The Code of childhood and adolescence, in accordance with the constitutional principles and the other normative bodies so far analyzed, establishes express legal protection for the unborn. It is expressed in article 12, and says: *"Girls and boys and adolescents have the intrinsic right to life from its conception and of its protection by the State through policies that allow their birth..."*<sup>18</sup> Thus, the State of Nicaragua, through its Ministries and government agencies, especially the Ministry of Family, *"is responsible for (...) Promoting and defending life from conception in the womb until its natural extinction."*<sup>19</sup>

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<sup>13</sup> The Civil Procedure Code mentioned here will cease to be valid in April 2017 by the Approval of the new Civil Procedure Code. Law 902. Published in La Gaceta Official Gazette No. 191 of October 9, 2015.

<sup>14</sup> Art. 66 CPCN. Full article available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101827/122900/F1010507964/LEY%20902%20NICARAGUA.pdf>

<sup>15</sup> Cfr. Art. 66 CPCN.

<sup>16</sup> Cfr. Art. Art. 68 CPCN.

<sup>17</sup> Law 287. Code of Childhood and Adolescence. Published in La Gaceta Official Journal. No. 47 of March 24, 1992. (acronym CNA)

See the complete code available at: <http://www.nicasalud.org.ni/wp-content/uploads/2016/05/CODIGO-DE-LA-NIÑEZ-ADOLESCENCIA-Y-LA-FAMILIA-2014.pdf>

<sup>18</sup> Art. 12 CAN.

<sup>19</sup> Art. 29 literal e) Law 290. Law of Organization and Powers of the Executive Power. Published in the Gazette Official Gazette No. 102 of June 3, 1990. This general law has been partially modified during these last fifteen years, however, the article quoted remains intact.

In Nicaragua on March 25 the day of the Unborn is celebrated, approved by Decree 10-2000<sup>20</sup>, "Declaration of the National Day of the unborn child".

- *Family Code.*<sup>21</sup>

#### *Right to life.*

The Family Code currently in force is the result of an effort to unify many special norms that were scattered throughout the Nicaraguan legal system. Nicaragua didn't count with a legal body on family matters and therefore this new family code was conceived. It has some contradictions and negative effects in terms of the matters in which the State must interfere in family matters, through some political bodies, incorporated in this code called "family cabinets" that must be present in all neighborhoods, counties and departments of the country as eyes and ears of the State itself.<sup>22</sup>

The family code also protects the unborn in terms of maintenance allowance for the mother and expresses: *"The mother may request maintenance allowance on behalf of the unborn when the child was conceived before or during the two hundred and sixty days of the separation of the spouses or cohabitants ..."*<sup>23</sup>

#### *The legal protection to women*

The protection of the rights of women, as such, is not expressly stated in the Family Code. However, it contains a provision that seeks to guarantee woman and children with alimony in certain circumstances after a divorce. Before the enactment of this regulation, it was very difficult for women to demand alimony from their children's father after a divorce. With the entry into force of this code, the fulfillment of the alimony for the mother and the children has become relevant because the code foresees the physical constraint for non-compliance.

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<sup>20</sup> La Gaceta Diario Oficial No. 21, January 3st1, 2000.

<sup>21</sup> Law 870. Family Code. Published in La Gaceta Official Journal No. 190 of October 8, 2014.

<sup>22</sup> Chapter V. Art. 32 to 35 of the Family Code

<sup>23</sup> Art. 319 CF.

In the Family Code in Title II, Chapter II, a whole article referring to violence against women was established, despite the fact that there is a regulation in the criminal code that also refers to it.

### **3. *Special regulations.***

- *Integral law on violence against women and reforms to law 641 of the Criminal Code.*<sup>24</sup>

*The purpose of this law is "to act against violence against women, by protecting the human rights of women and guaranteeing them a life free of violence that favors their development and well-being in accordance with the principles of equality and non-discrimination. (...)"*<sup>2526</sup>

It is important to note that the laws have to be interpreted in the light of, in addition to the Constitution, the international human rights instruments ratified by Nicaragua, among them and, in particular, "The Convention for the Elimination of All Forms of Discrimination against Women and the Inter-American Convention to Prevent, Punish Violence against Women".<sup>27</sup>

- *Special Law for the Protection of Families in which are multiple pregnancies and births.*<sup>28</sup>

Regarding the protection of pregnant women in vulnerable conditions, Nicaragua has a special law. The purpose of this rule is to provide protection to families of limited economic resources in which there are multiple pregnancies and births, whether these are single-parent or two-parents and that through medical advice during the pregnancy, the existence of a possible multiple birth (delivery of more than one infant) is demonstrated<sup>29</sup>.

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<sup>24</sup> Law No. 779. Comprehensive law against violence against women and amendments to Law 641 of the Penal Code. Approved on January 26, 2012 and published in the Gazette Official Gazette No. 35 of February 22, 2012. (acronym LCVM)

<sup>25</sup> Art. 1 LCVM

<sup>26</sup> This law in its application immediately led to the arrest and detention of several men who threatened integrity, but there were also abuses to the law that gave rise to a reform of Law 779 that ended with Law 846. Law of modification to Art. 46 and addition to articles 30, 31 and 32 of Law 779.

<sup>27</sup> Art. 5 LCVM

<sup>28</sup> Law No. 718. Special law for the protection of families in which there are multiple pregnancies and births. Published in La Gaceta Official Gazette No. 111, of June 14, 2010. Its regulation Decree 53-2010, published in La Gaceta Official Gazette No. 170 of September 6, 2010.

<sup>29</sup> Art. 1. Ley N° 718.

This law also establishes the formation of an inter-institutional commission<sup>30</sup> whose function it is to formulate, promote and monitor the application of special programs that guarantee compliance with this Law, as well as the promotion of the well-being and normal development of the mother's pregnancy with possible multiple birth and that of her family.

In case these families already have a house, they will support the proportion of an increase in the maximum area of social interest housing and the use of urban or rural housing, as well as in the granting of resources for the repair and rehabilitation of said housing.

Through this law, the State seeks to provide a decent home or plot of land to the multiple birth mother and her children. This home or plot cannot be sold or mortgaged until the children reach adulthood. Likewise, it will promote the mother's labor development that will guarantee her economic independence and the sustainability of her family.

This law also provides for a significant privilege, which until now has belonged only to the criminal law, and is that the benefits granted by it will also apply, as appropriate, to multiple births prior to its validity.

Despite the great benefits that this regulation establishes, up to now there are no official statistics on the results of its application. The only public knowledge that takes place every year is Mother's Day, mothers of multiple births are given a basket with products for the child in the maternity hospital Bertha Calderón.

## 1. Administrative Rules

- *REGULATION 002. Year 2009. Standard and protocol of family planning*<sup>31</sup>.

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<sup>30</sup>. These cabinets are integrated by: a) the Ministry of Family, Adolescence and Children, which presides and will also be the body responsible for the application, monitoring and compliance with the provisions, regulations and benefits established in this Law and its regulation; b) Ministry of Health; c) Ministry of Labor; d) Nicaraguan Social Security Institute; e) Ministry of Education and f) Institute of Urban and Rural Housing.

<sup>31</sup> Regulation 002 - Standard and family planning protocol - Nicaragua. This Standard informs about general and specific provisions, and techniques, for the provision and application of natural and artificial contraceptive methods.

Full text of the standard available at:  
<http://apps.who.int/medicinedocs/es/m/abstract/Js18994en/>

Although, as we have seen, in numerous regulations the protection of the person in the mother's womb is expressed, and in the penal code the injuries to the unborn are punished, for the government the use of contraceptive methods with abortive effects, are not considered as an attack on life<sup>32</sup>.

At the same time, the text of presentation of the regulations states that *"The Ministry of Health (...) complying with **national and international agreements** that contribute to improving the health of women, family and children, undertakes concrete actions to implement the guidelines to guarantee health to the entire Nicaraguan population.* <sup>33</sup> " It would seem like the fulfillment of international agreements that provide protection to women, legitimizes the non-observance of not only constitutional precepts but also the non-observance of Article 4 of the Inter-American Convention on Human Rights that protects the right of the unborn from conception<sup>34</sup>.

- *REGULATION 011. Year 2009. Standards and protocol for prenatal care, delivery, newborn and puerperium of low risk:*

The purpose of this regulation is *"(...) to reduce the number of unwanted and high-risk pregnancies; reduce the number of obstetric complications; to reduce the mortality rate in women who present obstetric complications and to reduce the perinatal and neonatal mortality rate*<sup>35</sup>.

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<sup>32</sup> The Protocol of the norm recommends abortive contraceptive methods such as Emergency Oral Contraception and the Intrauterine Device (IUD). See Norm and family planning protocol. Page 37 onwards

<sup>33</sup>Cfr. Presentation. See Norm and family planning protocol, page 7. The highlight belongs to us.

<sup>34</sup> American Convention on Human Rights. Article 4. See also article "The American Convention on Human Rights: cornerstone of the right to life of the unborn in Latin America and the Caribbean." By Ligia Mariela De Jesús. International Journal of Human Rights. ISSN 2422-7188. Available at: <http://www.revistaidh.org/ojs/index.php/ridh/article/view/8>

. Disponible en: <http://www.revistaidh.org/ojs/index.php/ridh/article/view/8>

<sup>35</sup> REGULATION 011. Year 2009. Standards and protocol for prenatal care, delivery, newborn and puerperium of low risk. Full text available at: <http://www.minsa.gob.ni/index.php/repository/Descargas-MINSA/Direcci%C3%B3n-General-de-Regulaci%C3%B3n-Sanitaria/Normas-Protocolos-y-Manuals/Standards-2009/Regulations-%E2%80%93011-%E2%80%9CNorms-and-protocols-for-attention-C3%B3n-prenatal-pArt-reci%C3%A9n-born-to-puterperium-of-low-risk%E2%80%9D/>

- *REGULATION 077. Year 2011. Protocol for the approach of the most frequent pathologies of high obstetric risk.*

The Ministry of Health has elaborated the "Protocol for the Attention of High Obstetric Risk<sup>36</sup>" with the immediate purpose of standardizing the care processes of the pathologies that most frequently affect women, which make them women of high reproductive and obstetric risk. Consequently, it will seek to prevent complications during pregnancy, childbirth and puerperium as much as possible and provide special care in the event of these complications. In a mediate way, it seeks to improve the quality of care for pregnant women and in this way contribute to the reduction of maternal and perinatal mortality in Nicaragua.

Regarding maternal mortality rates, the initiative that took place in the country, the so-called Casas Maternas (Maternal Houses), cannot be ignored. These houses are a community strategy that has been implemented with great success in the rural areas of Nicaragua. In these houses, the staff has been trained by the Ministry of Health (MINSA), there are midwives and what is necessary to attend to pregnancies, their prenatal check-ups and deliveries of rural women. These houses have been enabled with the cooperation of United Nations agencies<sup>37</sup>.

As a result of both initiatives, the maternal mortality ratio has been reduced from 150 maternal deaths per 100,000 live births in 1990 to 59.7 / 100,000 nvr (registered live births in Spanish) in the year 2009<sup>38</sup>. It is because of this improvement in the figures of maternal mortality that Nicaragua was awarded with the 2011 AMERICA Award<sup>39</sup>, where the effort to reduce this index is

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<sup>36</sup> Protocol for the treatment of the most frequent Pathologies of High Obstetric Risk "Normative 007-2011. Full text available at: <https://nicaragua.unfpa.org/en/publicaciones/protocolo-para-el-abordaje-de-las-patolog%C3%ADas-m%C3%A1s-frecuentes-del-alto-riesgo-obst%C3%A9trico>

<sup>37</sup> Series of Gender Notebooks for Nicaragua. Notebook # 5. The maternal houses in Nicaragua.

<sup>38</sup> <http://www.minsa.gob.ni/index.php/repository/Descargas-MINSA/Direcci%C3%B3n-General-de-Regulaci%C3%B3n-Sanitaria/Normas-Protocolos-y-Manuales/Normas-2011/Normativa---077--%E2%80%9CProtocolo-para-el-Abordaje-de-las-Patolog%C3%ADas-m%C3%A1s-Frecuente-del-Alto-Riesgo-Obst%C3%A9trico%E2%80%9D>

<sup>39</sup> See: Nicaragua awarded the 2011 America Award for reducing maternal mortality. Full text available at: [https://www.paho.org/hq/index.php?option=com\\_content&view=article&id=6011:2011-](https://www.paho.org/hq/index.php?option=com_content&view=article&id=6011:2011-)

recognized. In said event, the Minister of Health Dr. Sonia Castro Gonzalez said: "We accept this recognition on behalf of all the important players and the will of the Government to take care of health and preserve the lives of women." He also expressed that the strategy of maternity homes aims to bring health units closer to women. In 2006, 9,205 women were housed in the maternity homes, and in 2010, 17,250 pregnant and puerperal women were housed in these shelters.<sup>40</sup>.

## 1. Penal Provisions

- Crimes against life.

The Criminal Code<sup>41</sup>, within its second book called "Of the crimes and their penalties", in the title I "Crimes against the Life" contains several chapters on crimes against life. The first attends to the aggressions against the physical integrity and the security of a person. And the second chapter foresees abortion, genetic manipulations and injuries to the unborn. Within this second chapter we will focus more closely on the articles that protect the life of the unborn.

Article 143 punishes the woman who causes her own abortion or if she consents to someone else carrying it out. It also provides for an aggravation of the sentence if the practitioner is a health professional.

*Art. 143 **Abortion:** Anyone who causes an abortion with the consent of the woman shall be punished with one to three years in prison. If it is a medical or health professional, the main penalty will simultaneously contain the penalty of special disqualification from two to five years to practice medicine or health care. A woman who intentionally causes her own abortion or consents to someone else to practice it, will be sentenced to one to two years in prison.*

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<sup>40</sup>Cfr. Ídem.

<sup>41</sup> Law 641. Penal Code of Nicaragua. Published in La Gaceta Official Gazette No. 232 of December 3, 2007

Art. 144 punishes those who perform an abortion without the consent of the woman. The penalty is aggravated when the person who performs it is a health professional, or he or she carries it out with violence, intimidation or delusion.

*Art. 144 **Abortion without consent.** Whoever intentionally provokes abortion without the consent of the woman, will be punished with imprisonment of three to six years. If it is a health professional, the main penalty will simultaneously contain the penalty of special disqualification from four to seven years to practice medicine or health care. If the abortion was practiced with violence, intimidation or deception, it will be sanctioned with a penalty of six to eight years in prison. If it is a health professional, the main penalty will simultaneously contain the penalty of special disqualification from five to ten years to practice medicine or health care.*

Art. 145 provides a lesser penalty to those who imprudently or recklessly cause an abortion. The woman who recklessly causes her own abortion is exempted from punishment

*Art. 145 **Reckless abortion.** Whoever, through reckless imprudence, causes abortion to a woman, will be punished with a penalty of six months to one year in prison; if the event occurs during the exercise of the health profession, the penalty of special disqualification from one to four years will also be imposed. The pregnant woman will not be punished under this precept.*

Art. 146 punishes genetic manipulation and cloning of cells for reasons other than therapeutic; the cloning of human beings; the manipulation of genetic material for breed selection purposes;

and the fertilization of ovules with purposes other than procreation.

**Art. 146 Genetic manipulation and cell cloning**

*(...) Who artificially fecundates human ovules for any purpose other than human procreation, will be punished by imprisonment of two to five years. In all the cases described in the above numerals, in addition to the penalty of imprisonment, the special disqualification from four to seven years to exercise a profession or trade related to health will be imposed.*

Art. 148 punishes the person who by any means causes injuries or illnesses in the unborn child that provoke a serious or permanent illness. Art. 149 punishes the same crime but carried out due to imprudence.

**Art. 148 About the injuries in which it is about to be born.** *Anyone who, by any means or procedure, causes an injury or illness in the unborn that seriously harms their normal development, or causes a serious and permanent physical or mental injury, will be punished by imprisonment of two to five years. and special disqualification to practice any health profession, or to provide services of any kind in gynaecological clinics, establishments or offices, public or private, for a period of two to eight years.*

**Art. 149 Imprudent injuries in which one is about to be born.** *Anyone who, due to reckless imprudence, causes the injuries described in the previous article in the unborn, will be punished with one to two years in prison and special disqualification from two to five years to exercise any medical or health profession, or to provide services of all*

*kinds in public or private gynaecological clinics, establishments or practices, for a period of one to five years. The pregnant woman will not be punished under this precept.*

### **III. Current legislative threats.**

A law bill was introduced on March 16, 2016, "Law of interruption of pregnancy". The announcement was made by the Promoter Committee of this initiative, composed of four doctors: Dr. María Matilde Jirón Gutiérrez, Dr. Óscar Flores, Dr. Jaime Espinoza and Dr. Edmundo Miranda; the evangelical pastor Blanca Cortez; the jurist, Dr. Alejandro Aguilar; the filmmaker Kathy Sevilla; the poet Christian Santos, the leader of people with some disability, Ulma Esquivel; the communicators and communicators, Leslie Briceño, Ximena Ramírez, Mario Chamorro, and Guillermo Cortés Domínguez; the psychologist María Esther Quintana; and the student of III Year of Medicine of the UNAN, Luis Felipe Morales<sup>42</sup>.

This initiative was signed by 20 liberal deputies, but not by the ruling FSLN caucus. However, with the recent presidential elections of November 6, 2016, these deputies were dismissed by the Supreme Electoral Council and the National Assembly before the elections, for a sentence of the Supreme Court of Justice that granted another liberal the representation of the Independent Liberal Party (PLI) as an opposition caucus, not recognizing the new authorities the deputies, they were removed from their seat immediately, so now the National Assembly has more than 70% of pro-government deputies of the FSLN Party.

The Citizen's Bill considered four aspects as causes of termination of pregnancy:

1. Potentially serious obstetric emergencies that may endanger the life of the woman, for example, ectopic pregnancy.
2. Systemic diseases that begin or pre-existing (cancer, heart disease);
3. Congenital malformations incompatible with life.
- And 4. Pregnancies resulting from sexual violence.

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<sup>42</sup>Journalistic note that gives context to the presented bill: "Interrupting the pregnancy to save the life of the woman and the girl". The new daily. August 30, 2015. Text available at: <http://www.elnuevodiario.com.ni/opinion/368968-interrumpir-embarazo-salvar-vida-mujer-nina/>

So far, this initiative and others presented, have not managed to break through in the Nicaraguan Congress.

#### **IV. Presidential Stance to Life**

In the first speech as first lady, in the November 2006 elections, Rosario Murillo set the official position in favour of life and expressed: "*We are emphatic: No to abortion, yes to life. Yes, to religious beliefs, yes to faith, yes to the search for God, which is what strengthens us every day to get back on track. The FSLN supports the position of the Catholic Church<sup>43</sup> and the churches in general against abortion in any of its forms because it is an attack against the faith, against life<sup>44</sup>.*"

The current president, Daniel Ortega Saavedra, re-elected for the third consecutive term, and Mrs. Rosario Murillo, his current wife, vice-president of Nicaragua, have a parliamentary majority of more than 70% of the deputies in practice, the current opposition deputies are related to the government that legally facilitated their incorporation without popular election, but by means of an administrative ordinance that forced and dismissed all opposition deputies elected by popular vote, and the current liberals (opposition) were not elected by popular vote.

It is important to note that in the last elections more than 70% of Nicaraguans abstained from voting for not believing in the electoral system, which has had innumerable complaints of corruption and making fraudulent elections in the country. At present all the powers of the State are completely dependent on the presidential decision, there is no autonomy or independence of the powers in the country, a situation that aggravates the position that civil society may have, in the face of a government decision including the return to legalization therapeutic abortion, since there is full institutional and military control.

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<sup>44</sup> More details of how abortion was penalized in Nicaragua here:  
<http://www.envio.org.ni/articulo/3660>

As a second concern we note that Nicaragua occupies the first place in Latin America of teenage pregnancy according to the latest and most recent ENDESA 2012,<sup>45</sup> survey and a study conducted by FUNIDES<sup>46</sup> in 2016 that determines that adolescents begin their sexual relationship very early. This report stated in its recommendations that public access of mass contraceptive methods should be especially distributed in the departments with the highest pregnancy rate in the country, such as Jinotega, the Autonomous Regions North and South. These indexes are worrisome because they can be used for the generalization of contraceptive methods and that can lead to the conscience on other methods like the pill of the day after, DIUS, and even the abortion.

## **V. Conclusion**

In Nicaragua, it is remembered as an emblematic historical event. Although there are not enough studies to measure the degree of approval towards abortion, most Nicaraguans are rejected without consideration. However, media propaganda and international pressure seek to distort reality. The culture of life in Nicaragua is well rooted and we always hope that does not change.

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<sup>45</sup> INIDE. (2013). Nicaraguan Survey of Demography and Health 2011/2012. INIDE: Managua. → INIDE. (2015). Statistical Yearbook of INIDE 2014. INIDE: Managua. → INIDE. (2015). Survey of Measurement of Standard of Living. Results presentation. INIDE: Managua.

<sup>46</sup> FUNIDES. ADOLESCENT PREGNANCY IN NICARAGUA. Causes and economic and social consequences of teen pregnancy in Nicaragua. October 2016. Full text available in: [http://funides.com/wp/content/uploads/2016/10/Causas\\_y\\_consecuencias\\_del\\_embarazo\\_adolacente\\_en\\_Nicaragua\\_Octubre\\_2016.pdf](http://funides.com/wp/content/uploads/2016/10/Causas_y_consecuencias_del_embarazo_adolacente_en_Nicaragua_Octubre_2016.pdf)